

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

GERALD CORNELIUS ELDRIDGE, §
§
Petitioner, §
§
v. § S.D. TEX. NO. H-05-CV-1847
§
RICK THALER, Director, §
Texas Department of Criminal §
Justice-Correctional Institutions §
Division, §
§
Respondent. §

ORDER

The petitioner, Gerald Cornelius Eldridge, is a Texas death row inmate. The United States District Court for the Southern District of Texas stayed his execution to allow him to develop his claim that he is incompetent to be executed. The District Court authorized Eldridge to spend up to \$7,500.00 for a mental health expert. He now requests an additional \$4,350.00 for investigative services. The District Court recommends approving this request.

18 U.S.C. § 3599(f) permits authorization of fees for expert and investigative services that are "reasonably necessary" for the representation of an indigent petitioner under a death sentence. 18 U.S.C. § 3599(g)(2) requires authorization by the Chief Judge of the Court of Appeals or a Circuit Judge designated by the Chief Judge for expenditure of any such funds in excess of \$7,500.00.

Based on the petitioner's motions, the District Court's opinion staying Eldridge's execution, and the District Court's recommendation, the petitioner is authorized to spend up to \$4,350.00 for the investigative services specified in his motion.

SIGNED at Houston, Texas, on this 9th day of March, 2010.

*Any further requests will be
carefully scrutinized & are subject to potential denial.* Edith H. Jones
EDITH H. JONES, CHIEF JUDGE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT